

WILMERHALE

Brendan R. McGuire

September 13, 2017

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**VIA ECF**

The Honorable Loretta A. Preska  
United States District Judge  
United States District Court for the  
Southern District of New York  
Daniel Patrick Moynihan United States Courthouse  
500 Pearl Street  
New York, New York 10007

Re: *United States v. Tanner, et al.*, No. 17-cr-61 (LAP)

Dear Judge Preska:

We write, on behalf of defendants Gary Tanner and Andrew Davenport, to request an adjournment of trial from November 6, 2017 to January 15, 2018 or the earliest date thereafter that is acceptable to the Court and the government. Following oral argument before Your Honor on August 10, 2017, the government filed a superseding indictment against the defendants on August 30, 2017. The superseding indictment added new allegations and revised existing allegations. The defense is reviewing the new indictment, along with the accompanying letter provided by the government, and will decide shortly how to proceed with respect to its pending pre-trial motions. In addition, the defense has not yet received all the voluminous discovery in this case, which the government continues to produce on a rolling basis, or other materials it expects to receive pursuant to other judicial process. For these reasons, the defense does not believe that it will be fully prepared to present an effective defense at trial by November 6, 2017.

Based on discussions with the Court and the government, we understand that the government is not available in January or February of next year and the Court is not available in March. Accordingly, the defense is prepared to proceed to trial in April but, with sufficient notice, can be available earlier should an earlier date work for the Court and the government.

This is the defendants' first request for an adjournment of trial. We have conferred with the government, which has advised that it objects to this request.

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We are available at the Court's convenience to discuss this request further or answer any questions the Court may have.

Respectfully submitted,

/s/ Brendan R. McGuire

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cc: All Counsel (via e-mail)